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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 1 February 1991, at 3 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. MARTIUS (Germany)

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The meeting was called to order at 3.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1991/6-8, 60-62 and 65; A/45/3, 13 and Add.1, 35 and Corr.1, 84, 306, 503, 576, 595, 608-614 and 726)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1991/13 and 14; E/CN.4/1991/NGO/2; A/45/488)

1. Mr. BENHIMA (Morocco) said that there were still peoples suffering under foreign occupation and unable to exercise their right to self-determination because the necessary conditions did not exist. The international community was convinced that the major obstacle to the achievement by those peoples of freedom and independence was the lack of political will.

2. Such was the case of the Palestinians who had for decades been suffering under the yoke of colonialism. Any uncommitted observer was bound to wonder why the State of Israel refused to entertain any idea of change. The Government of that country brought up the question of the security of its frontiers and its very existence, and that issue had been dealt with in all the proposals put forward to achieve a peaceful solution to the problem. There was no doubt that the security and existence of Israel must be among the priority matters to be dealt with in any negotiations. However, the Government of Israel raised one objection after another and appeared determined to hold on to the territory of other States and to prevent other peoples from living in decent conditions.

3. All the other parties to the Middle East conflict agreed on the need to find a peaceful solution. That had become clear over the years, as could be seen from the peace plan adopted at a summit conference held in France in 1982, from the summit conference held at Casablanca in 1983 and from the undertaking given by Mr. Arafat to the General Assembly at Geneva in December 1988.

4. It was thus evident that the Arab peoples were committed to a peaceful solution of the problem on the basis of international law and the holding of an international conference on the Middle East, with the participation of the permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people. To ensure the holding of such a conference, the international community must step up its efforts to induce Israel to allow the Palestinian people to exercise its legitimate right to self-determination, to halt the flow of Jewish immigrants into Israel and to put an end to the establishment of settlements in the occupied Arab territories.

5. With respect to South Africa, the lessening of tension in that part of the world and the adoption of certain measures by the Government did indeed give rise to hopeful expectations, but it should not be forgotten that the objective sought was an end to apartheid in all its manifestations. The release of the African leaders, the lifting of the ban on anti-apartheid

organizations, and the repeal of some discriminatory laws were only partial stop-gap measures, though welcome moves in the right direction. The international community was obliged to consider ending economic sanctions against South Africa once all apartheid measures had been removed, but not until that had been done.

6. It was his delegation's hope that internal change in South Africa would take place in the best possible circumstances on the basis of a responsible democratic dialogue, far removed from confrontation and internal strife, phenomena which were not in the interest of the country.

7. His delegation hoped that the people of Angola, too, would overcome their problems and achieve the reunification of their land.

8. In Cambodia, there was a gleam of hope following the adoption by all the parties concerned of a plan, sponsored by the international community, which was a first step towards national reconciliation. It was to be hoped that the plan would be implemented and elections held, thereby enabling the people of Cambodia to achieve self-determination free from outside interference.

9. The people of Afghanistan had been suffering for many years. Developments since the withdrawal of foreign forces from that country gave no cause for optimism, in view of the fact that a bloody civil war was still continuing and that a negative human rights record prevented the Afghan people from exercising its right to self-determination.

10. The international community should step up its efforts to achieve détente and the establishment of a new framework for international relations, based on the lofty principles set forth in the Charter of the United Nations and all the other relevant international human rights documents.

11. Ms. BURER (Pax Christi International) said that, following numerous statements at its previous session, denouncing the violation by Israel of various provisions of the Fourth Geneva Convention, the Commission had adopted several resolutions, particularly its resolutions 1990/2 A and B, on a number of very serious problems. Far from improving, the overall situation in the occupied territories had since deteriorated, culminating in the horrible slaughter at the Haram al-Sharif. Israel had defied the international community by refusing to accept the United Nations commission of inquiry and insulting the President of the General Assembly at the time of his visit to the occupied territories in January 1991.

12. Her organization expressed its full support for the statement that the churches of the Middle East had issued with regard to the massacre of 8 October 1990, calling on the world community to take prompt steps to oblige Israel to respect the rights of the Palestinian people.

13. It was inadmissible that a single people should arrogate to itself exclusive rights over the Holy Land. As his Holiness John Paul II had said, Palestine was the spiritual homeland of Christians, since it was the homeland of Jesus and Mary. It had to be recognized that it was also a Holy Land for the Muslims.

14. Respect for the human rights of the Palestinians required the application by the Israeli administration and armed forces of the Fourth Geneva Convention, which Israel had signed in October 1950 but which the Knesset had always refused to incorporate into the national legislation. United Nations bodies had on many occasions declared that the Convention applied to all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem. It must therefore be implemented immediately and fully.

15. Israel must also recognize the right of the Palestinian people to self-determination, in accordance with the Charter and the relevant United Nations resolutions. Since the Israeli Government had not hitherto been prepared to enter into genuine negotiations with the qualified representatives of the Palestinian people, the only possible solution was the holding of an international conference on peace in the Middle East under United Nations auspices, with the participation of freely chosen representatives of the Palestinian people.

16. It was not very important whether or not the situation in Kuwait and the Palestine problem were linked; what was important was that no genuine peace in the Middle East was possible without a just solution to the Palestinan problem. The United Nations should use all peaceful means at its disposal to ensure respect for its decisions relating to the Israelo-Arab conflict.

17. In conclusion, she expressed the hope that the Commission would once again urge all Member States to exert every possible pressure on Israel to put an end to the oppression of the Palestinian people and to enable it to decide its own destiny in full freedom.

18. Mr. KALKE (International Association Against Torture) said that his association was committed to working with the victims of torture and repression towards the goal of healing the wounds of such victims and eradicating the root causes of torture. When it spoke of torture, it was also referring to the blatant denial and exploitation of human rights and the denial of the right to protect one's borders and one's human and natural resources.

19. Perhaps more dramatic than the torture of an individual was the subjugation of a people through the use of brutal force. The occupation of a people by foreign military forces or their surrogates was the first act of violence in a spiral of violations of fundamental freedoms and basic human rights.

20. The so-called "new democracies" in the Americas, that were brought to power through the mediation of armed forces accustomed to torturing and repressing people, represented an ongoing threat to indigenous populations, African-Americans, peasants and a growing under-employed working class. Furthermore, so-called "free elections" that did not permit major actors in the political arena access to the ballots could be seen only as efforts to manipulate and reinterpret the democratic process against the people and in favour of a particular economic model imposed by force.

21. There were historical precedents for that "new world order" such as, the forcible introduction into the world arena of 50 million African-Americans, whose fundamental rights to self-determination had never been restored, whose labour was exploited and whose culture and basic human rights remained suppressed.

22. Paradoxically, while it was the labour of African slaves that had underpinned the economic growth of the United States, Africans in the United States had never benefited from that wealth. They were part of the United States economy but at the same time remained apart from it. Blacks had little wealth as a group, had no real assets and retained very little of the farmland they had once owned in the southern part of the United States.

23. The unemployment rate for blacks was more than two and a half times that of whites. Many blacks had thus to seek other means of surviving and ensuring a certain quality of life. Some had become life-long welfare recipients, others had joined the armed forces and others had taken up criminal activities. It was those conditions and the racism of the criminal justice system which explained why blacks accounted for 50 per cent of the prison population in the United States.

24. Service in the armed forces or its reserves was seen as a vehicle for employment, education or self-improvement. Black participation in the military thus derived from the necessities of survival in an option-restricted, systematically racist environment.

25. His organization was particularly concerned both at the nature of the Gulf war and at the black and Latino participation therein. On 15 December 1990, the United States army had had 215,000 troops in the Gulf, 28.9 per cent of whom were black.

26. There had been several reports of soldiers refusing to fight or applying for conscientious objector status. The United States' professed concern with maintaining the sovereignty of Kuwait was viewed with scepticism by many, who wondered why the same pressure was not applied by the United States to implement long-standing United Nations measures against the racist apartheid régime in South Africa, though apartheid was a dangerous aberration that threatened the right of all peoples to self-determination.

27. His organization believed it to be more important than ever for the Commission to speak out clearly and forcefully on the issues of Palestine and South Africa. The double standard whereby some invaders were brutally punished and others rewarded, some economic sanctions were given years to fail, and others not even tried for several months, jeopardized a world order based on the principles the Commission was struggling to maintain.

28. The problems in the South were the result of the challenge of the new order being imposed by the North, in fundamental violation of the Universal Declaration of Human Rights and the right to self-determination. His organization believed that peace and stability could be attained only by responding to the challenge it had indicated.

29. Mr. ENDREFFY (Hungary) said that the information in the documents before the Commission revealed that tension and violence had increased dramatically in the occupied territories and resulted in the worsening of the already grave human rights situation of the Palestinian and other Arab civilian populations there.

30. Most deplorable of all were incidents involving loss of lives, such as the one that had taken place on 8 October 1990 at the Haram al-Sharif (Temple Mount) in Jerusalem, resulting in over 20 Palestinian deaths and in the injury of more than 150 persons. The Security Council, having considered the incident, had condemned the acts of violence committed by the Israeli security forces and called upon Israel, as the occupying Power, to abide by its legal obligations and responsibilities under the Fourth Geneva Convention.

31. Other human rights violations took the form of detention without trial, ill-treatment during interrogation and collective punishment, such as the imposition of curfews and economic sanctions.

32. His delegation called on Israel to ensure the effective protection of basic human rights and freedoms for the Palestinians and other Arabs in the occupied territories, although it recognized that full enjoyment of their human rights by those peoples could be achieved only through a comprehensive, just and lasting settlement of the Arab-Israeli conflict.

33. Such a settlement could best be achieved through a negotiating process involving all the parties concerned and based on Security Council resolutions 242 (1967) and 338 (1973) as well as on respect by the parties for each other's interests: the right of Israel to live in peace within recognized boundaries and the legitimate political rights of the Palestinian people.

34. Mr. RICUPERO (Brazil) said that the situation in the occupied territories stemmed from the lack of a political solution to enable the Palestinian people to realize its right to self-determination. The intifada, which had been going on for three years, indicated the seriousness of the problems in the territories.

35. The policy adopted by the occupation forces did not address the root cause of the conflict, which was the question of self-determination. The repeated allegations of human rights abuses, including the numerous deportations of Palestinians from the occupied territories, could not be ignored. It was also regrettable that the occupying Power had failed to co-operate with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and that the Secretary-General's requests for information still remained unanswered.

36. Over the past few months, the situation in the occupied territories had further deteriorated. It was urgent for the international community, and the Commission in particular, to make every effort to attain a just, comprehensive and lasting solution to the question of Palestine.

37. His Government had consistently supported all efforts to achieve a diplomatic solution to the conflict on the basis of the principles embodied in the Charter of the United Nations and the relevant resolutions of the United Nations, in particular Security Council resolutions 242 (1967) and 338 (1973), so that all the peoples of the region - including Israelis and Palestinians - could live in peace within internationally recognized borders.

38. Accordingly, his delegation supported the convening of an international peace conference on the Middle East under the auspices of the United Nations, with the participation on an equal footing of all the parties involved, including the Palestine Liberation Organization (PLO).

39. It was to be hoped that the current state of war in the region would not aggravate the tensions in the occupied territories. In that context, his Government had condemned the recent missile attacks against civilian areas in Israel.

40. Pending a permanent settlement, it was necessary to adopt measures to guarantee the safety of the Palestinians in the occupied territories and the enjoyment of their inalienable human rights. To that end, it was essential for Israel to recognize the de jure applicability to the occupied territories of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

41. At the same time, immediate steps must be taken to achieve a comprehensive solution based on the exercise by the Palestinian people of its right to self-determination. He urged all the parties involved to engage in a dialogue with a view to ensuring respect for human rights.

42. At a time when great progress was being made throughout the world in the field of human rights, and when the United Nations was perceived as having at least partially recovered its originally conceived unity and strength, allowing the situation in the occupied territories to continue unresolved would be detrimental not only to the Palestinians, but also to the credibility of the Organization itself.

43. Mr. SEZAKI (Japan) said that, some two years previously, serious efforts had been made to initiate a dialogue between Israel and the Palestinians. He recalled the mood of cautious optimism which had prevailed in the wake of the Palestine National Council meeting at Algiers, when significant progress towards peace had seemed imminent. Those hopes had been dashed, however, at the beginning of 1990, when violence had erupted in the West Bank and Gaza Strip as a result of demographic changes in those areas stemming from Israel's settlements policy. His delegation wished to reaffirm that the settling of Israeli civilians in the occupied territories was illegal and contravened the relevant provisions of the Fourth Geneva Convention.

44. The intifada, currently in its fourth year, continued to be a potent expression of the rage and frustration of the Palestinian people, whose economic and social rights, and natural aspirations, had been denied for more than four decades.

45. His Government deeply deplored the shooting incident that had occurred in a suburb of Tel Aviv in May 1990 and the subsequent escalation of the situation, resulting in heavy casualties. It also condemned the actions of the Israeli authorities in East Jerusalem in October 1990 which had resulted in 20 Palestinian deaths. It was seriously concerned that such incidents might provoke a further escalation of the situation in the occupied territories and called upon those involved, particularly on the Israeli side, to exercise self-restraint.

46. Israel, as the occupying Power, bore the responsibility for protecting the civilian population in the occupied territories. It was Israel's obligation to comply with the Fourth Geneva Convention, to which it was a party. The Security Council had adopted resolution 681 (1990), urging Israel to abide scrupulously by the provisions of that instrument and requesting the Secretary-General to monitor the situation with regard to Palestinian civilians under Israeli occupation. His delegation supported that resolution on humanitarian grounds and strongly hoped that the treatment of Palestinians in the occupied territories would improve.

47. A peaceful solution to the Palestinian problem could be achieved only through a process of negotiation among the parties concerned, including the PLO. A prerequisite for any negotiating process was the establishment of common ground, which was provided by Security Council resolutions 242 (1967) and 338 (1973), and would be enhanced by Israel's recognition of the right of the Palestinians to self-determination.

48. In his delegation's view, peace in the Middle East could be achieved through Israel's withdrawal from all the territories which it had occupied since 1967; recognition of the right of the Palestinians to self-determination, including the right to establish an independent State; and recognition of Israel's right to exist. His Government had consistently supported the idea of a properly structured international conference, to be convened at an appropriate time, as a framework for a peaceful solution.

49. In the meantime, it was incumbent upon the international community to extend assistance to the Palestinian refugees and suffering inhabitants of the West Bank and Gaza Strip. His Government contributed through the United Nations Development Programme to projects which promoted the health and development of the people in the occupied territories.

50. Mr. Martius (Germany) took the Chair.

51. Mr. McCARTHY (Australia) said that the right to self-determination - which was a right of peoples, not of Governments or States - had been and must remain a basic preoccupation of the United Nations. Over the past 40 years, the peoples of country after country had achieved independence and the right to determine their own political and other institutions. Namibia's independence - to which Australia had contributed through its participation in the United Nations Transition Assistance Group - had brought that process a step closer to completion.

52. A striking example of the international community's commitment to the principle of self-determination was the cohesion it had displayed in responding to Iraq's invasion and occupation of Kuwait. The President of Iraq

had not been moved by the diplomatic efforts of the international community to achieve a peaceful resolution of the crisis and had rebuffed the last-minute efforts by the Secretary-General to avoid armed conflict.

53. Regrettably, therefore, it had been necessary to resort to force, as authorized by the Security Council, to ensure the implementation of the relevant resolutions. It was to be hoped that Iraqi forces would be compelled to withdraw from Kuwait, allowing the legitimate Government to be restored, and that the Kuwaiti people would be able to enjoy democratic freedoms.

54. His Government had long been concerned about the question of Cambodia. That country had been wracked by conflict for over 20 years, a conflict accompanied not only by a denial of the Cambodian people's right to self-determination, but also by serious violations of individual rights. Those problems could best be addressed through a comprehensive settlement, towards which progress had been made in the past 12 months.

55. It was incumbent on all the countries involved to do what they could to encourage the resolution of the remaining differences. At the same time, it was important for the Cambodian parties to realize that the international community did not have infinite reserves of commitment and patience.

56. The issue of the Arab territories occupied by Israel had yet to be resolved in a manner which satisfied the basic needs and aspirations of both Palestinians and Israelis. His Government had consistently supported a settlement of the dispute on the basis of Security Council resolutions 242 (1967) and 338 (1973). It affirmed Israel's right to exist within secure and recognized borders, while also recognizing the Palestinian people's right to self-determination, including its right to establish an independent State if it so chose.

57. His Government remained concerned at the continuing violence by both sides and by Palestinians against Palestinians in the occupied territories. While acknowledging Israel's immense security problems - which had been underscored by Iraq's deplorable missile attacks on civilian targets - it was also concerned at abuses such as the use of excessive force against Palestinian demonstrators and deportations from the occupied territories. In his delegation's view, Israel must accept the de jure applicability to the occupied territories of the Fourth Geneva Convention and refrain from measures which were in violation of that instrument.

58. The realization of the right to self-determination also entailed the continuing right of all peoples and individuals within each national State to an ongoing participation in the political process. Accordingly, his Government had welcomed the elections held in 1990 in Myanmar, the results of which had clearly indicated the desire of the people of that country for a democratic system of government. It called upon the rulers of Myanmar to implement the election results by transferring power to a democratically elected Government.

59. In all parts of the world, peoples were seeking to assert their identities, preserve their languages, cultures and traditions and achieve greater self-management and autonomy. The challenge for Governments was to respond effectively and sympathetically to those growing demands. In that

context, his Government had condemned the recent use of force in the Baltic States, and urged the Soviet Union to reaffirm the principles which its delegation had enunciated before the Commission 12 months previously and to co-operate with the Baltic States in ensuring the realization of their democratically declared aspirations to independence.

60. Lest it be thought that his Government sought to comment on situations which it had not itself experienced, he informed the Commission that the problem of ensuring justice and dignity for the aboriginal people, who had been the original inhabitants of the Australian continent, was one of its major policy preoccupations. In grappling with such problems, the principles of human rights and the concept of self-determination, in the sense of self-management, were central.

61. Mrs. REGGAZOLI (Argentina) said that her Government, which had always supported the United Nations resolutions on the question of Palestine, was convinced that a viable peace could be achieved only through dialogue. To that end, it was necessary for all the parties concerned to accept the Organization's role in establishing an appropriate framework for negotiations. As the President of her country had stated, there was an urgent need for a solution based on respect for the right of all parties to self-determination and to existence within secure and recognized borders.

62. In her country, there were large communities of both Jews and Arabs, who had prospered in an environment of peaceful co-existence. In the light of that experience, she had full confidence in the possibility of peace.

63. The Government and people of her country were especially concerned at the situation of human rights in the occupied Arab territories. They considered that, the following steps needed to be taken: first, the inalienable right of the Palestinian people to self-determination and to an independent State must be recognized; secondly, Israel must withdraw from all the Arab territories occupied since 1967, in accordance with Security Council resolution 242 (1967), and repeal all the administrative decrees consolidating its occupation of those territories; thirdly, the right of all States in the region, including Israel, to live in peace within secure and internationally recognized borders must be guaranteed; fourthly, a special status must be established for the Holy City of Jerusalem; and lastly, an international peace conference must be convened under the auspices of the United Nations, with the participation of all the parties concerned.

64. Mr. BLACKWELL (United States of America) said that the forty-seventh session of the Commission was being held under the shadow of a grim and terrible denial of the right to self-determination that the United Nations must have the courage to eliminate. A broad range of countries, with the full authority of the United Nations, had embarked upon that course, and they would succeed.

65. There was no more blatant denial of self-determination than the hostile, unprovoked imposition of foreign rule. Removing an army of occupation did not, in itself, however, guarantee self-determination, which, at its core, meant that people had the right to choose their own form of government. There were many ways to achieve that goal, but they all had in common the presence of institutions and political processes that allowed individuals to shape their own political future peacefully.

66. That was possible only when government was based on the consent of the governed, in a system built up on periodic elections, the secret ballot and a free press, and was impossible under one-party systems, dictatorships and totalitarian régimes. Self-determination was not a "Western" institution, or a luxury that only wealthy nations could afford. It was part of the common culture of mankind.

67. The world had become freer in the past year. The revolution of self-determination over the past decade had been consolidating its gains. Democratic transitions had taken place in Bulgaria, Chile, Czechoslovakia, Haiti, Hungary, Namibia, Nicaragua, Panama and Poland and, a week previously, Sao Tome and Principe had joined the list. Many countries in Africa were adopting multi-party systems. South Africa's ruling national party had publicly committed itself to majority rule and the principle of one man, one vote. That extraordinary progress, along with other welcome signs from South Africa, should be encouraged by the Commission. Romania and Mongolia, which had held their first free elections, had taken further steps towards democracy and, even in Albania, one-party rule was being courageously challenged.

68. Elections were necessary, but not sufficient, to ensure self-determination. Freedom of the press, assembly and association, the secret ballot and the right to political participation, and the right to leave any country including one's own, were the core of universally accepted human rights and must be protected. The untramelled interplay of political parties, institutions, a free press, labour unions, churches and other interest groups, as well as the unhindered flow of information, must be guaranteed.

69. His Government was engaged in helping emerging democracies in the practical aspects of free elections and the protection of minority rights. Together with the other States members of the Conference on Security and Co-operation in Europe (CSCE), the United States had agreed that the will of the people, freely and fairly expressed through periodic and genuine elections, was the basis of the authority and legitimacy of all government, a declaration that had been reinforced by the Charter of Paris.

70. At the forty-fifth session of the General Assembly, President Bush had called upon the United Nations to formalize its efforts in promoting free elections by establishing a special co-ordinator for electoral assistance. Acting under the mandate of the General Assembly, the Secretary-General would soon seek the views of Member States on how the United Nations could support the principle of free elections; it was to be hoped that the responses would be positive and constructive.

71. In many parts of the world, however, self-determination had still not been realized. Cuba, North Korea, Viet Nam and Afghanistan had yet to hold free elections. The military régime in Myanmar, disregarding the outcome of free and fair elections, had embarked upon a campaign of brutal repression. With regard to Cambodia, his Government was still awaiting agreement on a comprehensive settlement which would allow free and fair elections, organized and conducted by the United Nations.

72. Despite the emergence of political parties, greater freedom of expression, independent trade unions and some competitive elections, the Soviet Union's forcible and unlawful incorporation of Estonia, Latvia, and Lithuania still continued. The United States Government had never recognized that state of affairs and would continue to support the aspirations of the Baltic peoples to determine their own future.

73. The use of force by the Soviet Government in the Baltic States fundamentally and tragically contradicted the basic principles of perestroika, yet the reforms that democratization implied offered the best prospect of continued improvement in relations between the United States and the Soviet Union. It was in the Soviet interest that the reform process move forward: any enduring co-operation, indeed partnership, between the United States and the Soviet Union depended upon it. In the absence of shared values, however, such a partnership was impossible.

74. His delegation found it difficult to understand how force could be used, especially at the current time, to suppress newly emerging democratic institutions, and it encouraged the Soviet Union to become a full participant in the shared values expressed in the Charter of Paris as adopted by the CSCE countries. For that to happen, peaceful dialogue, not force, was the only legitimate option.

75. Mr. Bernales Ballesteros (Peru) resumed the Chair.

76. Mr. LOEIS (Indonesia) said that Indonesia had always attached great value to the work of the Commission, and it was with that in mind that his Government, with the assistance of the Centre for Human Rights, had held the First National Workshop on Human Rights at Jakarta in January 1991.

77. The right to self-determination was the most fundamental of all rights. The history of international relations, however, showed that although embodied in the Charter of the United Nations, the right to self-determination had not been considered, at least by some colonial powers, to be synonymous with independence and had not been given a more precise meaning until 1960, when the United Nations had adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, of which his delegation had been a sponsor.

78. In 1990, the international community had witnessed with satisfaction the end of a long history of colonialization when Namibia had gained its independence, and his delegation welcomed Namibia to membership of the United Nations. Unfortunately, however, in another part of the world, the Palestinian people was still being denied its inalienable right to self-determination, and the human rights of the Palestinians continued to be violated.

79. Although the question of violations of human rights in the occupied Arab territories, including Palestine, had been on the agenda of the Commission for more than 20 years as a matter of priority, the situation had still not improved. On the contrary, Israel had persisted in stepping up its repressive policies and practices, and its attempt to crush the intifada had produced a growing economic crisis, thereby exacerbating the already difficult living conditions of the Palestinians.

80. The policy of establishing Jewish settlements in the occupied territories, in disregard of international law, had aggravated the social and economic conditions there. Israel's only response to international calls to stop the creation of new settlements and dismantle existing ones had been to expel Palestinians from their homeland and impose collective punishment.

81. The struggle of the Palestinian people for dignity and nationhood had demonstrated that a people committed to freedom and independence could not be subjugated. In the light of the current situation in the Gulf, it was more urgent than ever for the United Nations to use its machinery effectively to put an end to that Middle East conflict. An international peace conference was the only viable negotiating framework for resolving the complex Arab-Israeli dispute. Indonesia was committed to giving every possible assistance to the Palestinian people in realizing its legitimate aspirations.

82. The situation in Cambodia remained a major focus of attention. A significant breakthrough had been achieved at a meeting in Jakarta, convened by France and Indonesia as Co-Chairmen of the Paris International Conference on Cambodia, which had been attended by the four Cambodian parties and by the representative of the Secretary-General. The Cambodian parties had agreed to form a Supreme National Council as the body to represent Cambodia and occupy its seat in the United Nations and specialized agencies. Although there was still much to be done, the efforts to achieve peace in the region appeared to have entered the final stage.

83. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that the right to self-determination was one of the principles upon which all international relations were based and was at the core of all human rights.

84. The growth in recent years of national awareness in virtually all parts of the world had also left its mark on the Byelorussian Soviet Socialist Republic where, on 27 June 1990, the Supreme Soviet of the Republic had adopted the Declaration on the State Sovereignty of the Byelorussian Soviet Socialist Republic. That historic document proclaimed the sovereignty of the people and the territorial integrity of the Republic; the right to take decisions determining the future of the people; and the authority to establish a political and economic system.

85. State sovereignty in a fully democratic society meant legal guarantees for the individual, protection of fundamental freedoms and adequate living and working conditions. It was a commitment to developing the people's creative potential, which in the past had suffered under excessive centralism. The Declaration put an end to the system of totalitarianism and opened the way to pluralism and the broad participation of citizens in the political life of the country.

86. For the Republic as a whole, it meant taking part in the joint European process, including direct participation in the Conference on Security and Co-operation in Europe (CSCE).

87. It would be difficult to democratize society in a short period of time. The mistakes of the past weighed heavily. The after-effects of the accident at the Chernobyl nuclear power plant continued to take a heavy economic toll of the Republic. Nevertheless, improved international relations and the new political thinking were helping to bring about positive change.

88. Lasting peace could be guaranteed only on the basis of freedom of choice, universally recognized human values, the rule of law and a rejection of extremism, nationalism and the use of force. In that context, the Supreme Soviet of the Byelorussian Soviet Socialist Republic had, in its statement of 18 January 1991, severely condemned the use of the armed forces against the peaceful population as a means of achieving political ends and had stressed that any dispute between the sovereign republics or between the republics and the centre could be resolved only through dialogue and on the basis of respect for the sovereign rights of the republics.

89. The right to choose one's path of development and the right to self-determination were still at issue for the peoples of Palestine and of South Africa. In addition, the illegal occupation of Kuwait by Iraq not only undermined the right to self-determination of the Kuwaiti people but also jeopardized the stability of the entire world.

90. The activities of mercenaries constituted one of the most widespread obstacles to the right to self-determination. In that context, his delegation appreciated the work of the Special Rapporteur on the activities of mercenaries, commended him for his topical report (E/CN.4/1991/14) and hoped that work on the subject would continued.

91. To conclude on an optimistic note, his delegation stressed the historic importance of the unification of Germany and noted that the victory of the people of Namibia had ended colonial rule in that country. It was convinced that the collective efforts of the international community and strict implementation of the principles contained in the Charter of the United Nations and the rules of international law were essential for finding political solutions to conflicts.

92. Miss CHAALAN (Observer for the Syrian Arab Republic) said that her delegation was deeply concerned that the right of peoples to self-determination, the cornerstone of all other human rights and fundamental freedoms, was still being flagrantly violated in the occupied Arab territories, including Palestine. The Israeli occupying Power, in pursuance of its expansionist policy aimed at a greater Israel from the Nile to the Euphrates, sought not only to prevent the exercise of that right but to put an end to the Palestinians' very existence. In addition, the de facto occupation of the Syrian Golan Heights was a flagrant violation of all international standards and the relevant General Assembly resolutions.

93. One of the gravest aspects of the occupation was Israel's persistent attempt to change the demographic nature of the occupied territories, through deportations and the establishment of Jewish settlements. The latest report of the Special Comittee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/45/576) once again drew attention to the grave consequences of Israel's failure to comply with its obligations, as an occupying military Power, under the Fourth Geneva Convention, to which it was a party, and to the constant acts of violence, including those committed daily by Israeli settlers.

94. A further cause for alarm in that regard was the stepping up of colonization, in pursuance of the Israeli Government's stated policies, thus flagrantly violating article 49 of the Fourth Geneva Convention and article 85

of the Additional Protocol thereto. Such expansionism dealt a severe blow to the Palestinians' hopes of returning to their homes and establishing their own sovereign State.

95. Even more disturbing was the pursuit of action aimed at annihilating the Palestinian people. At least seven massacres had been perpetrated during the past year, and the Special Committee's report showed that children represented a growing proportion of the numbers killed and injured. Likewise alarming was the policy of systematic deportation, referred to in the Special Committee's report (A/45/576, para. 478), and the "conditional banishment" of persons for a fixed period, without their families, as mentioned in paragraph 479. Those acts, in addition to established practices such as mass arrests and the demolition of homes, constituted a further violation of the human rights of the people of the occupied territories. Matters had become even worse since the outbreak of the Gulf war and the occupied territories had virtually become one vast prison.

96. For over 40 years, Israel had been systematically violating the provisions of the Charter and all international standards. Its continued Judaization of the occupied territories threatened the region's peace and security, which could be secured only when Israel withdrew from all the lands it had occupied and fully recognized the Palestinian people's inalienable rights, including the right to establish an independent State.

97. An essential step to that end was the convening of an international conference on the Middle East, with the participation of all the parties concerned and the permanent members of the Security Council. The international community must assume without delay its obligation to protect the people of Palestine and ensure Israel's compliance with the Fourth Geneva Convention.

98. Mr. ROBEL (World Confederation of Labour) said that, at a time when the world's attention was focused on the destructive conflict in the Gulf, his organization wished more than ever to stress the need for the world community to apply the zeal it had not always shown in the past towards the implementation of United Nations resolutions concerning the occupied Arab territories.

99. When the United Nations had first taken up the question of Palestine, the intention had been to establish a Palestinian State alongside the Jewish State. But Israel had always been opposed to the former, and since 1967, moreover, had been stepping up its racist practices, in pursuit of its expansionist policies, thus seeking to deprive the Palestinian Arab people of its inalienable rights, including the rights to live in peace and to have, like the Jews, a State with secure frontiers.

100. The reports examined by the Commission at every session testified to Israel's continued and methodical violation of human rights; it was astonishing that the former victims of nazism should have become the tormentors of the Palestinian Arab people. Arbitrary arrest and imprisonment, killings by Israeli military personnel and civilians, collective punishments, demolition of homes, deportations, confiscation of land and the installation of Jewish settlers were but some of the reported features of that frightful situation.

101. An eminent Israeli writer had recently said that tension and conflict would persist throughout the Middle East as long as the Palestinians continued to be humiliated and deprived of their rights; that the Palestinians' action, even including occasional excesses, were fully understandable and justified; that an end to the Gulf conflict would not reduce tensions unless the Palestinian question, too, was faced; and that the United States, in particular, should seek to change the attitude of Israel, since the latter's intransigence had stemmed throughout from unconditional United States support.

102. The World Confederation of Labour, as an international workers' organization, was highly conscious of the violation of the rights of Arab and other workers, including the failure to apply international labour conventions and the violation of trade-union rights. Even before the outbreak of the Gulf conflict, further acts of brutality had been committed during the past 12 months, such as the attack on the Al Aqsa mosque, on 8 October 1990, in which 22 persons had been killed and hundreds injured. Such brutal and repressive acts stemmed, of course, from the violation of human rights arising from illegal occupation. The United Nations had a duty to take all possible steps to find appropriate ways to induce the belligerent occupying Power to observe the Organization's relevant decisions and resolutions.

103. On Israel's admission to the United Nations in 1949, its representative had solemnly declared that it would respect the Charter, uphold the cause of peace and extend friendship and co-operation to all nations, under United Nations auspices. It had, however, done just the opposite: it had occupied Arab lands, defied the Charter and the 1949 Geneva Conventions, refused Arab offers of friendship and persisted in viewing the PLO as a terrorist organization despite its leadership's formal condemnation of terrorism and the Palestine National Council's acceptance of Security Council resolutions 242 (1967) and 338 (1973).

104. The convening of an international conference under United Nations auspices, with the representation of all interested parties, and the acceptance of a Palestinian State, was the only way of achieving a peaceful and lasting solution to the Middle East situation.

105. Although his organization condemned the invasion of Kuwait and the launching of missiles at Jewish territory, the Powers involved in that unfortunate situation would not solve the problem by taking Israel's side or providing it with military equipment but would only increase regional tension and encourage the Israeli authorities' repression of the long-suffering Arab people.

106. Some of the countries of the region seemed to be torn apart by politics or by short-term special interests and that was very harmful for the campaign against the violation of human rights in the occupied Arab territories and Palestine. Only a united Arab front and firm but peaceful dialogue, aided by other countries effectively concerned about freedom and justice, could lead to success in restoring peace and respect for human rights in the Middle East.

107. He hoped that the Commission would, at its current session, take firm decisions aimed at ending the violation of human rights in the occupied territories and Palestine. There should be no right to war, however, since, once a war began, truth put on a mask.

108. Mr. MOHAMMED (Iraq), speaking in exercise of the right to reply, said that the representative of Luxembourg, speaking on behalf of the European Communities, had alleged acts of violence by Iraq against prisoners of war during the Gulf conflict, but had failed to mention the violence committed by the forces of the United States and its satellites, in action aimed at starving Iraq's civilian population, including children, or the United Kingdom's detention, in violation of all humanitarian principles, of Iraqi students in that country.

109. The war being waged in the Gulf testified to the neo-colonialists' desire to reassert dominion over the third world, by means of policies and actions at variance with their claim to be safeguarding human rights. In describing Iraq's actions as "occupation" they disregarded the long-standing reality of Israeli occupation and misdeeds against the Palestinian Arab people.

110. The West's talk of a new international order really meant measures to control the wealth of Asian, Latin American and other third-world nations. As for the right to self-determination, the world was not deceived by, inter alia, the United Kingdom's occupation of the Malvinas, thousands of miles away from its own shores.

111. It was not true that the current conflict in the Gulf had had a negative effect on the Palestinian issue. Iraq had stated its readiness to seek a peaceful solution to all the region's problems, especially that of the Palestinian people. The question was whether the United States and Israel were ready to recognize the just cause of the Palestinian people, or whether they and certain cowardly Arab Governments, especially the corrupt Governments of the Gulf region, were prepared to sustain the current new form of colonialism, which the Iraqi people had already made such sacrifices to combat.

112. A number of speakers had mentioned the situation in Kuwait in connection with the right of self-determination. Iraq was fully in favour of that right, the true exercise of which in the Arab region required the withdrawal of the United States and its allies - an action which should be called for by all countries which truly upheld human rights.

113. As for the spokesman of the Israeli enemy, he should be aware that the Commission and the entire world community had denounced the brutality with which, for 23 years, Israel had oppressed the people of the occupied territories; he should recall his country's criminal record in that regard.

114. The CHAIRMAN said that he had taken note of the information received on the current situation of the civilian population in the occupied territories as a result of the severe curfew imposed upon them since 17 January 1991. That situation had further deteriorated, particularly with regard to the provision of food and medicine. He expressed his deep concern about that situation in which the civilian population found iself and appealed to the Israeli authorities, on urgent humanitarian grounds, to put an end to it.

The meeting rose at 5.55 p.m.